

Certified Bldg. Products, Inc. v. N.L.R.B., 528 F.2d 968 (1976)

91 L.R.R.M. (BNA) 2432, 78 Lab.Cas. P 11,238

528 F.2d 968
United States Court of Appeals,
Ninth Circuit.

CERTIFIED BUILDING PRODUCTS, INC., and Carl Fidler, an Individual, Petitioners,
v.
NATIONAL LABOR RELATIONS BOARD, Respondent.

No. 74-2777. | Jan. 23, 1976.

Petition for review of remedial order of National Labor Relations Board in unfair labor practices proceeding. The Court of Appeals held that service upon corporation, which was alter ego of named individual, was equivalent of service upon individual who was sole owner and principal actor in matters giving rise to complaint.

Judgment entered upon enforcing order.

West Headnotes (1)

[1] Labor and Employment—Notice and Appearance

In unfair labor practice proceeding, service upon corporation, which was alter ego of named individual, was equivalent of service upon individual who was sole owner and principal actor in matters giving rise to complaint. National Labor Relations Act, § 8(a)(1, 5) as amended 29 U.S.C.A. § 158(a)(1, 5).

14 Cases that cite this headnote

Attorneys and Law Firms

***969** Robert S. Michaels (argued), Michaels, Ornstein & Kontos, Los Angeles, Cal., for petitioners.

John Depenbrock (argued), NLRB, Washington, D.C., for respondent.

Opinion

OPINION

Before GOODWIN and SNEED, Circuit Judges, and JAMESON,* District Judge.

* The Honorable William J. Jameson, United States District Judge for the District of Montana, sitting by designation.

PER CURIAM:

Certified Bldg. Products, Inc. v. N.L.R.B., 528 F.2d 968 (1976)

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We allow enforcement of the Board's remedial order in this unfair-labor-practices proceeding under 29 U.S.C. § 158(a)(1) and (5).

The only nonfrivolous issue on appeal is whether in personam jurisdiction of Carl Fidler was obtained. The record supports the Board's finding that the corporation is Fidler's alter ego. Accordingly, in a board proceeding of this kind, service upon the corporation is the equivalent of service upon the individual. Fidler was the sole owner and principal actor in the matters giving rise to the complaint. See N.L.R.B. v. Deena Artware, Inc., 310 F.2d 470 (6th Cir. 1962).

The Board will present an appropriate enforcing order upon which a judgment will be entered.

Affirmed.

Parallel Citations

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